

**THE SECOND CHECK HAS BEEN  
COMPLETED. NO LATE-FILED  
DOCUMENTS WILL BE REVIEWED  
PRIOR TO THE HEARING**

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

**PROBATE**

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPASS4952

CASE NAME: ESTATE OF GARY L BRANCH

HEARING:

FIRST AND FINAL Account and Report of PUBLIC ADMINISTRATOR and  
Petition for allowance of fees filed.

COUNSEL:

PUBLIC ADMINISTRATOR	(PET)...	GRESHAM SAVAGE NOLAN & TILDEN
GARY L BRANCH	(DEC)...	
SCOTT A HANCOCK	(TP )...	SNYDER, HANCOCK & ASHWORTH
SHARMAN G ROSS	(SNYDER, HANCOCK & ASHWORTH )...	SNYDER,
RICHARD R ROSS	(SNYDER, HANCOCK & ASHWORTH )...	SNYDER, H
SCOTT A HANCOCK	(SNYDER, HANCOCK & ASHWORTH )...	SNYDER,
PAM AMBERS	(SNYDER, HANCOCK & ASHWORTH )...	SNYDER, H
WALLACE M BUTLER	(SNYDER, HANCOCK & ASHWORTH )...	SNYDER,

GENERAL INFORMATION:

This case is set for hearing on 1<sup>st</sup> & Final Account  
Accounting period: 10/21/02 – 11/2/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1. Petitioner requests statutory commission of \$5,241.06. Ok.
2. Attorney requests statutory fees of \$5,241.06. Ok.
3. Petitioner requests extraordinary compensation of \$840.00 relative to the sale of the real property which was located in Victorville (and subject to foreclosure) and the sale of the personal property (including a vehicle and household furnishings). Petitioner alleges 14 hours were spent relative to extraordinary services (which computes to \$60/hour). JTD
4. Attorney requests extraordinary compensation of \$1,159.50. Billed at \$250/hour for attorney time and \$95/hour for paralegal time. Total hours

provided for services are 8.7 dealing with the sale of the real property and potential foreclosure. JTD

5. Petitioner requests authority to withhold \$5,000 for closing expenses and final income tax returns and preparation.

RECOMMENDATION:

RFA subject to court's determination of fees. Once approved, set hearing for filing of receipts and final discharge for 2/24/06.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS04107

CASE NAME: EST OF URICIO V MAGNO

HEARING:

Hearing Re: SECOND REPORT ON STATUS OF ADMINISTRATION.

COUNSEL:

WILFREDO E MAGNO	(PET)...	JAMES B CHURCH
URICIO V MAGNO	(DEC)...	
WALTER T MOORE	(SA )...	HARTNELL HORSPOOL & FOX

GENERAL INFORMATION:

This case is set for hearing on 2<sup>nd</sup> Report of Status of Administration

Status period: 10/18/03 – 10/17/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Petitioner alleges unimproved real property in Los Angeles County still needs to be sold (date of death value \$2,500). What efforts are being made to sell the property? File verified supplement.
2. Petitioner requests an additional year to complete the administration of the estate commencing from 10/18/04
3. Related matter 3 below.

RECOMMENDATION:

Need verified supplement re: note 1

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS04107

CASE NAME: EST OF URICIO V MAGNO

HEARING:

FIRST REPORT AND Account and Report of WILFREDO E MAGNO and  
Petition for allowance of fees filed.

COUNSEL:

WILFREDO E MAGNO	(PET)...	JAMES B CHURCH
URICIO V MAGNO	(DEC)...	
WALTER T MOORE	(SA )...	HARTNELL HORSPOOL & FOX

GENERAL INFORMATION:

This case is set for hearing on 1<sup>st</sup> Account

Accounting period: 9/1/97 0 4/25/03

**Continued from 12/10/04 at request of counsel**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1. Petitioner alleges that he may be entitled to a statutory commission and that said commission should be paid at the time of the final report.
2. Petitioner alleges that his attorney may be entitled to statutory fees and that said fees should be paid at the time of the final report.
3. Petitioner made partial distributions of cash to the beneficiaries of the Will (totaling \$53,390). Receipts show that only income to estate totaled \$40,071.69. How does petitioner make partial distributions for more than he has received? File verified Supplement re: funds for partial distribution.
4. Petitioner alleges that copies of the checks for the partial distributions are attached as Exhibit B. There is no Exhibit B attached. File verified Supplement to include receipts or cancelled checks of partial distributions made.

5. Petitioner alleges that he has advanced costs for bills and expenses of the estate. That the amounts advanced, including the partial distributions made, are greater than the receipts and assets of the estate. Petitioner requests a credit for the amounts he has spent in excess of the amount received. There is no itemization of monies advanced by petitioner. Question why partial distributions would be made prior to expenses of administration being paid or reimbursed. File verified supplement to include itemization of costs advanced by petitioner.
6. Summary of Account does not balance. There is a discrepancy in credits and charges of \$5,931.75. File verified supplement re: discrepancy.

**RECOMMENDATION:**

Cannot approve as filed. Need verified supplement re: 3, 4, 5 & 6.

San Bernardino Superior Court  
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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS04117

CASE NAME: ESTATE OF JEAN E. BROWN ET AL

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

CATHY BROWN	(PET)...PRO/PER
JEAN E. BROWN	(DEC)...
FRANKLIN G BROWN	(PET)...PRO/PER
ANGELYN L VANNATTA	(OBJ)...KELLER & KELLER
PHILIP M SAVAGE IV	(GRESHAM SAVAGE NOLAN & TILDEN )...GRESHAM

GENERAL INFORMATION:

This case is set for hearing on Petition for Letters of Administration, full authority. Court previously granted Cathy Brown powers as Special Administrator in 2001. She was discharged (following accounting) in 2002. The parties reached an agreement on competing petition for general powers.

Continued from 11-12-04 & 12-17-04 for clearing of notes. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Need to file proof of due publication.
2. Need to file waivers of bond or order bond of \$50,000.

RECOMMENDATION:

RFA subject to 1 & bond of \$50,000. Once approved, set hearing for filing of the Inventory & Appraisal for 9/9/05. Set the hearing for the accounting and/or status review for 4/38/06. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS04730

CASE NAME: ESTATE OF WALLACE F. POWELL

HEARING:

FIRST AND FINAL Account and Report of MARTIN E. KELLER and  
Petition for allowance of fees filed.

COUNSEL:

MARTIN E. KELLER	(PET)...MARTIN E KELLER
WALLACE F. POWELL	(DEC)...
WILLIAM J BRUNICK	(TP )...BRUNICK BATTERSBY MCELHANEY &
WALLACE F POWELL	(MARC W INGERSOLL )...MARC W IN

GENERAL INFORMATION:

This case is set for hearing on First & Final Account

Related matter next, spouse's estate

Continued from 9-10-04 to clear notes. Nothing new filed.

Continued again from 10-22-04 to submit supplement.

Continued again from 12-17-04. **Objections to the petition for final account has been filed by beneficiary Harold Edward Humphrey.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. Need to file notice of hearing on beneficiary and upon special notice (Brunick).
2. Sole heir for both estates (Wallace and Lorraine) is Harold Humphrey (nephew), as neither decedent survived the other as outlined in the wills.
3. Never filed the financial statements with the I & A. Must file now.
4. Need to explain the discrepancy between the first I & A and the "Final".
5. Attorney Keller, in pro per as the executor, is requesting his statutory commission of \$14,517.63. Need to have the I & A difference explained prior to granting the commission request. [Under PC 10804, a personal representative who is an attorney can only receive the compensation as a representative. Any fees as an attorney must be approved in advance and

must be to the advantage, benefit and best interests of the decedent's estate.]

6. Unclear whether the request for statutory commissions is correct. It should be based upon the I & A value of estate, plus gains over the appraisal value on sales, plus receipts, less losses from the appraised value on sales. The accounting does not include all of these schedules. Also, the "Receipts" schedule is not accurate for purposes of calculating value of estate, since it includes the net proceeds from the sale of the house (which would be calculated as to the gain/loss on sales price). Need to file appropriate schedules, per statute.
7. What is a schedule for "Reduction" of assets? "Reduction" is not a term used in PC 1061. Instead, supposed to be reporting the losses on sale or other disposition. Need to correct.
8. Petition filed by Keller, in pro per, on 3-20-02. Substitution of Attorney to Brunick on 5-9-02. Letters/order under Keller, pro per. No further activity in file until 6-20-03, when Keller filed a Petition for Orders relating to the estate. On that date, substitution of attorney was filed, back to Keller in pro per. Petitioner is requesting that Brunick be paid \$2500 in fees. Question here: no pleadings were filed by Brunick. The estate petition was filed by Keller in pro per. There are no estate pleadings filed by Brunick. What statutory services did Brunick render? Need verified supplement as to the basis for paying \$2500 to Brunick. What statutory services provided?
9. Disbursements mix the expenses of estate of Wallace Powell with the expenses of Lorraine Powell. It has been suggested that the disbursements be split evenly. JTD
10. Questions re: disbursements:
  - a. Who is Phil Habell Why paid \$1548.45? and then later amounts?
  - b. What was Harold Humphrey given money for?
  - c. Who is Benito Mora?
  - d. LuisBaeza?
  - e. Miguel Mateo?
  - f. What happened to the \$7850 in cash taken by executor? Need verified supplement to explain all of these issues.
8. Questions re: receipts:
  - a. Why was the 2001 Honda Civic sold to Mariah Humphrey for \$1?
  - b. Disparity in accounting from Lorraine, which lists all receipts in joint form. Does not list the Pacific Life Insurance Company receipt. The receipt from Wallace's estate lists that entry. Explain. This also affects the amount of assets on hand as reported in the two estates. Need verified supplement to explain these issues.
11. Need to report actions taken under IAEA power, such as sales of property. Need to indicate loss/gain on sale of real property, and as to all assets. For example, what happened to the coins? The jewelry? The gun? The household furnishings? No indication that these items of personal property were sold, but they do not appear on the list of property currently on hand. What happened to them? File verified supplement.

12. What happened to all the bank accounts? What about cash? The Treasury Direct Account? File verified supplement.
13. What happened to the Harold Humphrey promissory note? File verified supplement.

RECOMMENDATION:

Cannot approve as is. Need to file verified supplement. **Suggest court may wish to consider monetary sanctions against attorney and petitioner for failure to file supplement for 3 consecutive hearings.**

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS04731

CASE NAME: ESTATE OF LORRAINE B. POWELL

HEARING:

FIRST & FINAL Account and Report of MARTIN E. KELLER and  
Petition for allowance of fees filed.

COUNSEL:

MARTIN E. KELLER                      (PET)...MARTIN E KELLER  
LORRAINE B. POWELL                (DEC)...  
WILLIAM J BRUNICK                (TP )...BRUNICK BATTERSBY MCELHANEY &

GENERAL INFORMATION:

This case is set for hearing on 1<sup>st</sup> & Final Account

Continued from 7-30-04, so it could be heard with accounting for estate of Wallace Powell

Continued from 9-10-04 to clear notes. Nothing new filed

Continued again from 10-22-04 to file supplement, but nothing filed.

**Continued again from 12-17-04. Nothing new filed.**

**See prior notes for defects with accounting.**

RECOMMENDATION:

Need to clear notes

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS04926

CASE NAME: EST OF MARCELLA BARTLETT

HEARING:

1ST & FINAL Account and Report of LINDA CARMAN and Petition for allowance of fees filed.

COUNSEL:

LINDA CARMAN                      (PET)...JAMES F LEFEBVRE  
MARCELLA BARTLETT              (DEC)...

GENERAL INFORMATION:

This case is set for hearing on 1<sup>ST</sup> & Final Account

Continued from 6-11-04 to clear notes. Nothing new filed.

Continued from 7-16-04. No appearance.

Continued from 9-17-04 for declaration from referee. (Will need to do more than submit signed I & A, will need to clear notes 4 & 5, too)

Continued again from 10-22-04. Minute order indicated that I & A was to be filed that day but it still has not been filed.

**Last continued from 12/17/04. Nothing new filed**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. I & A needs to be **signed** by probate referee. Accounting indicates that court waived referee on 11-2-02. No such order on that date or any date. PC 8800 does not provide for the waiver of the referee. **Need to file appropriate I & A.**
2. Executor waives statutory fee.
3. Attorney requesting fees of \$3500 rather than statutory fee. (Statutory fee would be greater than that amount, assuming I & A proper). Appears that attorney has already been paid, which is not proper per PC 10810, as all fees need to be approved by court.
4. Did not file bank statement as required under local rule.

5. Distribution clauses in Accounting do not deal with all assets. Need to file supplement.

RECOMMENDATION:

Court cannot approve without the signed I & A. Court may wish to consider sanctions against attorney and petitioner for the continued failure to correct the probate notes.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS04966

CASE NAME: EST OF SHIRLEY JO LANTZ

HEARING:  
STATUS REPORT AND Account and Report of JENNIFER LYNN BROWN and  
Petition for allowance of fees filed.

COUNSEL:

JENNIFER LYNN BROWN      (PET)...MARTIN E KELLER  
SHIRLEY JO LANTZ      (DEC)...  
LAURA ANN LOUCKS      (OBJ)...THOMAS W. DOMINICK  
DEPT. OF HEALTH SERVICES      (PRO/PER      )...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on First Account  
Continued from 7-30-04 to clear notes. Nothing new filed to clear notes.  
Continued from 9-10-04 to clear notes. Nothing new filed yet.  
Continued again from 10-22-04. Supplement filed.  
**Last continued from 12/17/04 at request of counsel.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. Estate not in position to be closed yet due to continued issue re: fire insurance claim.
2. Need to file proof of service on Amended Status Report. Notice must comply with PC 12201.

RECOMMENDATION:

RFA subject to 2. Once approved, set hearing for 2<sup>nd</sup> Accounting for 12-16-05.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05083

CASE NAME: ESTATE OF LENORE FRANCES HUNT

HEARING:

FIRST AND FINAL Account and Report of MELODY Z SCOTT and  
Petition for allowance of fees filed.

COUNSEL:

ALAN DE LONG	(PET)...SHORE & WURM
LENORE FRANCES HUNT	(DEC)...
MELODY Z SCOTT	(PET)...HARTNELL HORSPOOL & FOX
LELAND SLY	(TP )...SWAN,CARPENT ER,WALLIS & MCKEN
MARLENA SLY	(SWAN,CARPENT ER,WALLIS & MCKEN)...SWAN,CARP

GENERAL INFORMATION:

This case is set for hearing on 1<sup>st</sup> & Final Account  
Accounting period: 10/24/02 – 10/31/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1. Petitioner requests statutory commission of \$7,201.68. Ok.
2. Attorneys request statutory fees of \$7,201.68. Ok.
3. Petitioner requests extraordinary compensation of \$3,153.75. Billed at an average hourly rate of \$76.83 for 41.05 hours. The extraordinary services provided included work for reviewing and responding to litigation, division and distribution of personal effects among beneficiaries per stipulation, real property sale which included involvement in eviction, and arranged for real property clean up (10 full dumpster trips). It appears the following entries on the itemized statement are for statutory services:
  - (a) 5/6/03 – “Begin Inventory & Appraisal worksheet gather supporting documents” 2.10 hour - \$178.50
  - (b) 5/20/03 – “Real property – t/c to Commonwealth Title to request property profile...and how much Lenore Hunt purchased property for” .3 - \$12.00

- (c) 5/20/03 – “Real property – reviewed property profile for Carl Hunt’s property in Long Beach” .3 - \$7.50
  - (d) 6/19/03 – “Probate Administration – meet w/Atty Parker re: sale of classic autos, status of litigation, request publication of real property for sale” .5 \$42.50
  - (e) 7/1/03 – “calendared hrg re: Petn to Determine Distribution Rights” .25 - \$11.25
  - (f) 1/14/04 – “called Ken Galasso of Sierra Realty to discuss listing” .3 - \$13.50
  - (g) 9/1/04 – “Memo from Craig Parker re: (1) NOPA completion and (2) deeds for escrow. 8/30/04 his reply” .5 - \$42.50
- Court may wish to reduce extraordinary fee request by \$307.75.
- 3. Attorneys request extraordinary fees of \$1,678.00. Billed at \$210/hour for 7.8 hours for services in connection with the personal property dispute and settlement agreement and real property sale including commencement of eviction. JTD
  - 4. Petitioner requests authority to reserve the sum of \$1,000 as a reserve for any taxes yet due and unforeseen contingencies.
  - 5. Petitioner requests authority to pay the following creditor’s claims, which were filed timely and approved:
    - (a) Arrowhead Regional - \$22,494.00
    - (b) Leland Sly - \$5,819.26

**RECOMMENDATION:**

RFA subject to court’s determination of extraordinary fees. The court may wish to consider reducing petitioner’s request for extraordinary fees by \$307.75. Once approved, set hearing for filing of receipts and final discharge for 2/24/06

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR  
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05226

**SEE PAGE #37 ALSO**

CASE NAME: ESTATE OF DAVID A. MALKO

HEARING:

Petition for TO ESTABLISH ESTATE'S CLAIM OF OWNERSHIP TO  
PROPERTY AND FOR ORDER DIRECTING ITS TRANSFER

COUNSEL:

ZENY WARD	(PET)...	MARTIN E KELLER
DAVID A. MALKO	(DEC)...	
RACHEL DAVID MALKO	(PET)...	MONTELEONE & MCCRORY
JANET MALKO	(TP )...	
MARTHA MALKI	(MONTELEONE & MCCRORY	)...MONTELEON
SOLOMON DAVID MALKI	(HORSPOOL & PARKER	)...HORSPOOL

GENERAL INFORMATION:

This case is set for hearing on Petition to Establish Estate's Claim of Ownership to Property (Probate Code § 850.) Petition alleges that decedent's son, Solomon, has title to real property and that Solomon had borrowed \$250,000 from decedent in January 2001. Solomon executed a promissory note for loan. Was to repay on January 29, 2003, after making interest only payments for 23 months. Alleging that not all interest payments were made (22 instead of 23). Has not paid the lump sum of \$250,000 owed.

Continued from October 29, 2004, to clear notice requirements.

**Last continued from 12/10/04 to allow Mr. Salomon Malko to file Response. Said response to be filed and served by fax by 1/5/05. Motion to Dismiss or Stay 850 Petition is filed by Solomon Malko**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Declarations in support of petition filed by Janet Malko (spouse), John Malko (son) and Maro Malki (daughter).
2. Motion to Dismiss or Stay 850 Petition is filed by Solomon Malko for lack of personal jurisdiction. Solomon Malko alleges he is a resident of Florida, the agreement and promissory note were executed in Florida and Florida law would apply to the enforcement of the agreement.

3. Opposition to Motion to Dismiss filed by petitioner (Rachel Malko) claiming motion is filed untimely per CCP 418.10

RECOMMENDATION:

None.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05259

CASE NAME: EST OF GLORIA RODRIGUEZ HUMPHREY

HEARING:  
Hearing Re: Proof Of Deposit Of Funds.

COUNSEL:  
MARTHA BASURTO                      (PET)...JOHN M RAGER  
GLORIA RODRIGUEZ HUMPHREY      (DEC)...  
MARIO RIVAS                          (OBJ)...SKORETZ & CHURCH

GENERAL INFORMATION:  
This case is set for hearing re Proof of Deposit of Funds into Blocked Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1.      Receipt now filed

RECOMMENDATION:  
Matter may go off calendar.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05308

CASE NAME: EST OF CRAIG ALAN LITTELL-HERRICK

HEARING:

Petition for APPROVAL OF FINAL REPORT WAIVER OF ACCTING AND  
FINAL DISTRIBUTION

COUNSEL:

ROGER RAY LITTELL      (PET)...BARBARA G. KNOX  
CRAIG ALAN LITTELL-HERRICK      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Approval of Final Report on Waiver of Account  
**Continued from 10/15/04 & 12/10/04 at request of counsel for time to clear calendar notes.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1.      Need to file copy of bank statements to support the I & A, per local rule.  
**Declaration filed attaching the date of death bank statement. Bank balance does not match the balance reported on the I & A. Were there outstanding checks deducted from balance?** (Declaration filed by Attorney alleging that a Corrected Inventory & Appraisal is being filed to correct the date of death balance. Corrected I & A filed and bank statement now matches I & A. Ok)
2.      Petitioner and attorney waive statutory compensation.
3.      No proposed Order submitted.

RECOMMENDATION:

RFA. Once approved, set hearing for filing of receipts and final discharge for 2/24/06.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05497

CASE NAME: MTR RE JOE CRUZ GUTIERREZ

HEARING:  
Petition for FOR ALLOWANCE OF COMPENSATION FOR EXTRAORDINARY  
SERVICES

COUNSEL:  
GARFIELD L LOGAN      (PET)...GARFIELD L LOGAN  
JOE CRUZ GUTIERREZ      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Allowance of Compensation for Extraordinary Services.

Letters of Special Administration issued 8-20-03. Letters of General Administration issued 2-6-04. Petitioner Garfield Logan was Special Administrator and Administrator. He is also an attorney.

**Continued from 12/23/04. Atty G. Loan needs to clear probate notes. Nothing new filed.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Petitioner Garfield Logan is requesting the sum of \$13,641.46 "as reasonable compensation for extraordinary services rendered for the benefit of the Estate" plus costs of \$4226.95.
2. The Petition does not state whether these services were rendered as the personal representative or the attorney for the personal representative. See PC 10804 regarding the issue of dual compensation for attorney/personal representative.
3. It appears that Mr. Logan is billing for his services as an attorney, at the rate of \$300 per hour, plus associated charges from his firm (supplies, paralegals, others working on the file).

4. Attorney fees or administrator's commissions are usually paid when the estate has been closed, per the Final Distribution Order.
5. Assuming that the Court was interested in hearing this premature petition, there are several questions regarding the billing. The billing sheets do not provide sufficient information regarding the nature of tasks performed. There is not enough information to determine which tasks (i.e., phone calls) are part of the statutory duties. The billing sheets submitted include time for preparing the petition for probate, appearing in court, preparing notices, calls regarding the marshalling of assets, and work done in connection with selling the real property. Billing also includes overhead expenses such as phone charges, boxes, supplies and fuel.
6. Court should note that no I & A has been filed yet. According to the initial petition, the value of estate consists of real property (\$117,000) plus personal property of \$23,000. Based upon the initial probate petition information, there is no indication that this estate is of such complexity that extraordinary services are even required.
7. Need to file notice of hearing and proof of service.
8. Question regarding the validity of the declaration/verification. The documents were filed with the Court on 11-12-04. The Petition is signed on "11/19/04", along with the verification under penalty of perjury.

**RECOMMENDATION:**

Deny petition without prejudice to request for fees at time of the Final Accounting, per the limits of PC 10804.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05536

CASE NAME: ESTATE OF DARLYNE SCHLITZ

HEARING:  
Petition for REPORT OF ADMINISTRATOR AND PETITION FOR DISCHARGE

	COUNSEL:
INA BROWN	(PET)...JAMES E. FODEN
DARLYNE SCHLITZ	(DEC)...
HARRY SCHLITZ	(TP )...PRO/PER

GENERAL INFORMATION:  
This case is set for hearing on Report of Administrator and Petition for Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Petitioner alleges that no assets are subject to probate administration.
2. Petitioner and attorney waive the statutory compensation.
3. Petition is not verified. Need verification per PC 1021
4. Need Graduated Filing Fee Statement per CRC 7.552 even if correct filing fees are paid.
5. No proposed order submitted.

RECOMMENDATION:  
RFA subject to note 3 & 4. Once approved, set hearing for filing of final discharge for 2/24/06

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05            TIME: 8:30    DEPT: S5  
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CASE #: SPRSS05567

CASE NAME: ESTATE OF OLE ETTA TAYLOR

HEARING:

Hearing re: REPORT ON ADMINISTRATION

COUNSEL:

LINDA CLASEN                    (PET)...HARTNELL LISTER & MOORE  
OLA ETTA TAYLOR                (DEC)...  
PATRICIA GAE GUNTHER        (TP )...RICK J FENELLI

GENERAL INFORMATION:

This case is set for hearing on Report on Status of Administration  
Letters of Administration issued 10/31/03

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1.     Petitioner alleges the estate is not in a condition to close due to a pending wrongful death petition against the Estate of Harold W. Taylor.
2.     Petitioner requests authority from the court to continue the administration of the estate for an additional year commencing 10/1/04.

RECOMMENDATION:

Court's discretion. If approved, set next accounting review for 10/7/05.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05572

CASE NAME: ESTATE OF WILLIAM MENA II

HEARING:  
Probate status report filed.

	COUNSEL:
WILLIAM MENA III	(PET)...AUTON-BECK & NASSAR
WILLIAM MENA II	(DEC)...

GENERAL INFORMATION:

This case is set for hearing on Report of Status of Administration  
Letters of Administration issued 2/25/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1. Petitioner alleges there may be two additional assets that belong to the estate and the estate is not in a condition to be closed until said assets have been received.
2. Petitioner requests authority from the Court to continue the administration of the estate for an additional six months.

RECOMMENDATION:

Court's discretion. Once approved, set accounting review for six months, suggest 8/12/05.

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR  
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05641

CASE NAME: EST OF LEE ETTA PEARSON

HEARING:

FIRST AND FINAL Account and Report of JOE ELBERT PEARSON, GLORIA E CORNELIUS and Petition for allowance of fees filed.

COUNSEL:

JOE ELBERT PEARSON      (PET)...JOHN M RAGER  
GLORIA E CORNELIUS      (PET)...JOHN M RAGER  
LEE ETTA PEARSON      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on 1<sup>st</sup> & Final Account  
Accounting period: 1/26/99 – 12/10/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

2.      Petitioners request statutory commission of \$8,143.80. Ok.
3.      Attorney requests statutory fees of \$8,143.80. Ok.
4.      Attorney requests reimbursement of costs advanced of \$811.10. Itemized. JTD
5.      The proposed distribution of cash is: 1/3 to Gloria Cornelius, 1/3 to Joe Pearson, 1/6 to Beatrice Pearson and 1/6 to Anna Pearson Dolphin. However, Will provides distribution in equal shares to 5 children, 1 of whom is deceased leaving issue. Therefore, shouldn't distribution be 1/6 to Gloria Cornelius, 1/6 to Joe Pearson, 1/6 to Beverly Pearson, 1/6 to JoAnn Pearson, 1/6 to Teresa Pearson and 1/12 each to Beatrice Pearson and Anna Pearson Dolphin? **Supplement filed alleging that the decedent's three children (Beverly Pearson, Teresa Pearson & Jo Ann Pearson) purchased the real property at 16796 Upland Ave., Fontana from the estate paying one-half of its value and the remaining one-half as their inheritance.** Thus, satisfying their interest in the estate. Distribution should be made as prayed.

RECOMMENDATION:

RFA subject to Court's discretion re note 4. Once approved, set hearing for filing of receipts and final discharge for 2/24/06

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05729

CASE NAME: ESTATE OF ARTHUR WESLEY DEAM

HEARING:  
Hearing Re: PROOF OF BLOCKED ACCOUNTS.

COUNSEL:

PHILLIP DEAM	(PET)...	JUDITH LYNN PILSON
PHYLLIS MADISON	(PET)...	JUDITH LYNN PILSON
DIANA COTE	(PET)...	JUDITH LYNN PILSON
ARTHUR WESTLEY DEAM	(DEC)...	
WELLS FARGO BANK, N.A.	(TP )...	PRO/PER

GENERAL INFORMATION:

This case is set for hearing on Proof of Blocked Accounts  
At the hearing on 10/29/04, the net proceeds from the sale of real property were to be deposited in Bank of America. The Order Confirming Sale of Real Property was amended and filed on 11/29/04. What is status of sale of real property?  
**Continued from 12/10/04. No appearance**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Still need proof of blocked account
2. Attorney Pilson has new address of record.

RECOMMENDATION:

Find out status. If no appearance, Court may consider setting OSC re: failure to file document. Notice should be sent to attorney at new address.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05742

CASE NAME: EST OF ESTHER I HURST

HEARING:

FIRST AND FINAL Account and Report of JAMES H BROWN and Petition  
for allowance of fees filed.

COUNSEL:

JAMES H BROWN	(PET)...	SKORETZ & CHURCH
ESTHER I HURST	(DEC)...	

GENERAL INFORMATION:

This case is set for hearing on 1<sup>st</sup> & Final Account  
Accounting period: 9/13/04 – 11/4/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1. Petitioner requests statutory commission of \$4,802.66. Ok.
2. Attorney requests statutory fees of \$4,802.66. Ok.

RECOMMENDATION:

RFA. Once approved, set hearing for filing of receipts and final discharge for 2/24/06.

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR  
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05787

CASE NAME: ESTATE OF ROBERT G. GEE

HEARING:

Petition for FOR FINAL DISTRIBUTION ON WAIVER OF ACCTING ETC

COUNSEL:

CHERE E. GEE	(PET)...	H. DANIEL LIVELY
TERRIE D. ALAKSIN	(PET)...	H. DANIEL LIVELY
ROBERT G. GEE	(DEC)...	
WELLS FARGO BANK, N.A.	(TP )...	PRO/PER

GENERAL INFORMATION:

This case is set for hearing on Petition for Final Distribution on Waiver of Account  
**Continued from 1/7/05 at request of counsel to clear notes.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Heirs have waived accounting.
2. Petitioner Chere Gee requests reimbursement of funeral expenses advanced of \$2,657.19. Need itemization for reimbursement. File verified supplement.
3. Petitioner Terrie Alaksin requests reimbursement of costs of administration of \$5,027.66. Not itemized. Need to file verified supplement re: itemization of costs advanced.
4. Petitioners request statutory commission of \$7,391.25. The fee base for calculation is \$219,562.42. How is this figure arrived at? The I & A was valued at \$197,000 and petitioners allege the real property sold for \$228,000 (a gain of \$31,000). Also, on Exhibit "C" petitioner shows "balance of estate savings account before sale proceeds" of \$8,126.10. What is the basis of the savings account. Should this amount be shown on the I & A? File verified supplement re: statutory commission.
5. Attorney requests statutory fees of \$7,391.25. Same questions as #4 above. File verified supplement re: statutory fees.
6. No proposed Order submitted.

RECOMMENDATION:

Need to clear notes 4 & 5. Once approved, set hearing for filing of receipts and final discharge for 2/24/06.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05852

CASE NAME: ESTATE OF MARGARET DAVIS

HEARING:

WAIVER Account and Report of MARY BUZA, BRENDA ALSUP and  
Petition for allowance of fees filed.

COUNSEL:

MARY BUZA	(PET)...JOHN M RAGER
BRENDA ALSUP	(PET)...JOHN M RAGER
MARGARET DAVIS	(DEC)...

GENERAL INFORMATION:

This case is set for hearing on Waiver of Account and Petition for Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1. Petitioners, as co-executors, are sole heirs and waive an accounting.
2. Petitioners waive statutory commission.
3. Attorney requests statutory fees of \$6,250.00 Ok.

RECOMMENDATION:

RFA. Once approved, set hearing for filing of receipts and final discharge for 2/24/06

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS05986

CASE NAME: MTR OF HOWARD H MORRISON TRUST DATED JUNE 1988

HEARING:  
Hearing Re: Status Conference.

COUNSEL:

BARBARA WHITMORE      (PET)...EDWARD B FISCHER  
ROBERT J MORRISON      (OBJ)...WEISS & IWAKOSHI

GENERAL INFORMATION:

This case is set for hearing on Status Conference

At hearing on 12/10/04, Court is advised that parties have reached a stipulation and the Court signs the stipulation. The stipulation provides for the real property at 9769 Lombardy Ave, Bloomington be granted to Barbara Whitmore, as her sole and separate property. Barbara Whitmore agrees to obtain a reverse mortgage through Wells Fargo Home Mortgage against the property. Robert Morrison is to receive from the reverse mortgage cash proceeds over and above the payoff of his prior loan secured against said property (up to a combined maximum of \$135,000) and Robert Morrison's objections are settled.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Court may wish to inquire of the status of the reverse mortgage being obtained by Barbara Whitmore.

RECOMMENDATION:

None.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS06095

CASE NAME: MTTR OF THE JUNE E CAUFIELD TRUST

HEARING:

Petition for FOR TERMINATION OF TRUST, WAIVER OF ACCOUNTING,  
DISTRIBUTION OF TRUST ASSETS & DISCHARGE OF TRUSTE

COUNSEL:

JOHN B CAUFIELD JR      (PET)...FULLERTON LEMANN SCHAEFFER & D  
THEODORA CAUFIELD      (OBJ)...KIRK & SIMAS

GENERAL INFORMATION:

This case is set for hearing on Petition for Termination of Trust on Waiver of Account  
Continued from 10/8/04 & 12/10/04. Objections filed by Theodora Caufield were overruled  
by Court order dated 1/28/05

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1. Residual Trust beneficiaries have waived accounting
2. There are no requests for compensation by the successor trustee or counsel  
for the successor trustee.

RECOMMENDATION:

RFA. Set hearing on receipts & final discharge for 2/24/06.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS06138

CASE NAME: ESTATE OF IOLA L MARTINEZ

HEARING:  
PETITION FOR LETTERS OF ADMINISTRATION W/WA W/FULL AUTHORITY  
UNDER IAEA.

COUNSEL:  
RUDY MARTINEZ                      (PET)...PRO/PER  
IOLA L MARTINEZ                  (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Letters of Administration with will annexed w/full authority under IAEA.

Continued from 11/12/04 at request of petitioner to proceed by summary probate

**Last continued from 12/10/04. Minute Order reflects matter taken under submission, but unclear as to orders, if any.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1.      Need to file proof of due publication.
2.      Will waives bond.
3.      What is status? Does petitioner still intend to proceed with formal probate administration?

RECOMMENDATION:

RFA subject to 1 & 3. Once approved, set hearing for filing of Inventory & Appraisal for 9/9/05. Set hearing for the accounting and/or status review for 4/28/06. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS06139

CASE NAME: EST OF WILMA M LARSEN

HEARING:

Petition for Probate, Letters of Tstmntry with full authority  
under IAEA.

COUNSEL:

GERALD LEE LARSEN      (PET)...LARSEN & RISLEY  
WILMA M LARSEN      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate of Will, full authority  
**Continued from 11/12/04 & 1/7/05 at request of counsel.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. Will waives bond.
2. Note: Court may wish to remind the petitioner, who is also an attorney,  
about the provisions of PC 10804 which limits dual compensation.

RECOMMENDATION:

RFA. Once approved, set hearing for filing of the Inventory & Appraisal for 9/9/05. Set the  
hearing for the accounting and/or status review for 4/28/06. Accountings to be filed 30  
days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS06167

CASE NAME: EST OF EDITH M KENNEDY

HEARING:

Petition for Probate, Letters of Tstmnty with full authority  
under IAEA.

COUNSEL:

CHERI CAMPAU	(PET)...	HARTNELL HORSPOOL & FOX
EDITH M KENNEDY	(DEC)...	

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate, Letters Testamentary w/full authority under IAEA.

Special letters of Administration issued November 5, 2004.

**Continued from 12/10/04. William Kennedy (son of decedent) objects to the granting of the petition. Court orders objections to be filed by 1/5/05. No objections filed as of 1/24/05.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The will is not a holographic will because it does not appear that the decedent wrote the material provisions of the will. (Probate Code § 6111.) Therefore, petitioner must submit a declaration of a disinterested subscribing witness as a prove up. **Proof of Subscribing Witness filed. Ok.**
2. Bond has been obtained in amount of \$10,000 pursuant to prior court order. However, petitioner, as sole beneficiary, has waived bond.

RECOMMENDATION:

None. If approved, court will need to set hearing for filing of the Inventory & Appraisal for 9/9/05. Set the hearing for the accounting and/or status review for 4/28/06. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS06248

CASE NAME: EST OF NELLIE C COLUNGA

HEARING:

Petition for Probate, Letters of Tstmntry with full authority  
under IAEA.

COUNSEL:

ROSE D MORALES	(PET)...	ELISABETH KEMPE-OLINGER
NELLIE C COLUNGA	(DEC)...	

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate, Letters Testamentary w/full authority  
under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1. Will waives bond.

RECOMMENDATION:

RFA, Once approved, set hearing for filing of the Inventory Appraisal for 9/9/05. Set the  
hearing for the accounting and/or status review for 4/28/06. Accountings to be filed 30  
days in advance. Note local rules regarding the filing of bank statements

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS06249

CASE NAME: MTR OF IVAN DONALD TANNENBAUM

HEARING:

Petition for Probate, Letters of Tstmntry with full authority  
under IAEA.

COUNSEL:

RICHARD DAVID TANNENBAUM      (PET)...VARNER, SALESON & BRANDT LLP  
IVAN DONALD TANNENBAUM      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate, Letters Testamentary w/full authority  
under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1. Will waives bond.
2. Item 6(a) on the petition for probate is left blank regarding a "domestic partner". File verified supplement as to whether decedent is survived by a domestic partner.
3. Need to file proof of due publication.

RECOMMENDATION:

RFA subject to 2-3. Once approved, set hearing for filing of the Inventory & Appraisal for 9/9/05. Set the hearing for the accounting and/or status review for 4/28/06. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS06250

CASE NAME: MTR OF THIRKIELD THOMAS

HEARING:  
PETITION FOR LETTERS OF ADMINISTRATION W/WA W/FULL AUTHORITY  
UNDER IAEA.

COUNSEL:  
MELVIN THOMAS                      (PET)...JOHN M RAGER  
THIRKIELD THOMAS                  (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Letters of Administration with will annexed w/full authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1.      Heirs have waived bond.

RECOMMENDATION:

RFA. Once approved, set hearing for filing of the Inventory & Appraisal for 9/9/05. Set the hearing for the accounting and/or status review for 4/28/06. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS06251

CASE NAME: ESTATE OF REIKO EVANS

HEARING:

Petition for Probate, Letters of Tstmnty with full authority  
under IAEA.

COUNSEL:

KEIKO PRINCE	(PET)...	JOSEPHINE A. RICH
REIKO EVANS	(DEC)...	

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate, Letters Testamentary w/full authority  
under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1. Will waives bond
2. Will is not self-proving per CCP 2015.5 as witness attestation is not "under  
penalty of perjury". File proof of subscribing witness

RECOMMENDATION:

RFA subject to 2. Once approved, set hearing for filing of the Inventory & Appraisal for  
9/9/05. Set the hearing for the accounting and/or status review for 4/28/06. Accountings  
to be filed 30 days in advance. Note local rules regarding the filing of bank statements

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS06252

CASE NAME: MTR OF THE BELK TRUST

HEARING:  
Petition for TO TERMINATE TRUST IN CHANGED CIRCUMSTANCES

COUNSEL:  
WARREN D BELK      (PET)...EDWARD B FISCHER

GENERAL INFORMATION:  
This case is set for hearing on Petition to Terminate Trust in Changed Circumstances

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1. Petitioner and his spouse created The Belk Trust on 4/10/96. A First Amendment was added to The Belk Trust on 12/4/03. Petitioner alleges his spouse, Madelyn Belk, suffered a brain aneurism on or about 10/9/04 and in order for Madelyn Belk to qualify for Medi-Cal, petitioner requests authority to terminate the trust and transmute the assets to petitioner as his sole and separate property. Petitioner alleges the trust assets consist of a home, a timeshare, a modest IRA retirement, Ameritrade Investment and life insurance.
2. Petitioner cites PC 15409 as authority for this request, whereby the court shall consider a trust provision restraining transfer of the beneficiary's interest as a factor in making its decision whether to modify or terminate the trust. On page 4 of the original Trust, it provides the "power to change or revoke trust" by a trustor, including the power to revoke in whole or in part any trust created by this Declaration of Trust. Question whether there will be an estate plan for petitioner and his spouse Madelyn Belk without the Trust. File verified supplement as to estate plan.
3. A medical declaration is attached supporting medical inability of Madelyn Belk.

RECOMMENDATION:  
Need verified supplement then, Court's discretion.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS06253

CASE NAME: MTR OF RUTH FLOYD

HEARING:  
PETITION FOR LETTERS OF ADMINISTRATION W/WA W/FULL AUTHORITY  
UNDER IAEA.

COUNSEL:  
GEORGE C FLOYD      (PET)...JUDITH LYNN PILSON  
RUTH FLOYD      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Letters of Administration with will annexed w/full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1. Petitioner alleges all heirs have waived bond. However, need to file Waivers of bond by all heirs.
2. Need to file proof of due publication.

RECOMMENDATION:

RFA subject to 1 & 2. Once approved, set hearing for filing of the Inventory & Appraisal for 9/9/05. Set the hearing for the accounting and/or status review for 4/28/06.  
Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS06254

CASE NAME: EST OF RAYMOND WILLIAM CHAPMAN JR

HEARING:  
Petition to determine succession to Real Property

COUNSEL:  
JANET CHAPMAN CURTIS      (PET)...KATHLEEN B ALBREKTSON  
JAMES GREGORY CHAPMAN      (PET)...KATHLEEN B ALBREKTSON  
RAYMOND WILLIAM CHAPMAN JR      (DEC)...

GENERAL INFORMATION:  
This case is set for hearing on Petition to determine succession to Real Property

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1.      Procedurally correct.

RECOMMENDATION:  
RFA. No need to set further dates.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS06255

CASE NAME: EST OF LOIS ISABELLE HALLAM

HEARING:

Petition for Probate of Will and Letters with limited authority  
IAEA.

COUNSEL:

RICHARD EDWARD HALLAM      (PET)...SPRINGER & POLLOCK  
LOIS ISABELLE HALLAM      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate, Letters Testamentary w/limited  
authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1.      Petitioner requests bond be fixed at \$20,000. Ok. (Will waives bond. Also,  
only requesting limited authority under IAEA.)
2.      Need to file proof of due publication. Proof of publication filed, however,  
publication is not in accordance with PC 8100 et seq,

RECOMMENDATION:

RFA subject to 2. Once approved, set hearing for filing of the Inventory & Appraisal for  
9/9/05. Set the hearing for the accounting and/or status review for 4/28/06. Accountings  
to be filed 30 days in advance. Note local rules regarding the filing of bank statements

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS06256

CASE NAME: MTR OF SARAH H ABERNETHY

HEARING:

Petition for Probate, Letters of Tstmnty with full authority  
under IAEA.

COUNSEL:

ALEXANDER MCNEILL      (PET)...HARTNELL, HORSPOOL & FOX  
SARAH H ABERNETHY      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate, Letters Testamentary w/full authority  
under IAEA.

Special letters issued 1/11/05

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1. Petitioner requests bond be fixed at \$200,000. Ok.
2. Security Pacific Bank was assumed by Bank of America. Need declination to act as executor by Bank of America.
3. William H. Sullivan, even though retired from the bar association, still has a valid mailing address. Need declination to act as executor by William H. Sullivan.
4. Need Notice of Petition to Administer Estate and proof of mailed service to Bank of America.

RECOMMENDATION:

Need to clear notes 2-4 Once approved, set hearing for filing of the Inventory & Appraisal for 9/9/05. Set the hearing for the accounting and/or status review for 4/28/06.

Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS06257

CASE NAME: MTR OF BETTY JEAN SMITH

HEARING:

Petition for Probate of Will and Letters with limited authority  
IAEA.

COUNSEL:

GUILLERNINIA A RYAN      (PET)...GUAY P WILSON  
BETTY JEAN SMITH      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate, Letters Testamentary w/limited  
authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1. Will waives bond only as to Bonnie M. Griffin, and not Guillerninia A. Ryan.  
Therefore, need waivers of bond by all beneficiaries or in lieu of waivers, bond to  
be fixed at \$260,000.

RECOMMENDATION:

RFA subject to court's determination of bond. Once approved, set hearing for filing of the  
Inventory & Appraisal for 9/9/05. Set the hearing for the accounting and/or status review  
for 4/28/06. Accountings to be filed 30 days in advance. Note local rules regarding the  
filing of bank statements

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

-----  
DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS06258

CASE NAME: MTR OF DONNA B MULLEE

HEARING:  
PETITION FOR LETTERS OF ADMINISTRATION W/WA W/FULL AUTHORITY  
UNDER IAEA.

	COUNSEL:
WARD L MULLEE	(PET)...GUAY P WILSON
DONNA B MULLEE	(DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Letters of Administration w/full authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. All heirs have waived bond.
2. Item 4(a) as to "place of death" is not completed. **Supplement filed alleging decedent died in Redlands, San Bernardino County, California. Ok.**

RECOMMENDATION:

RFA. Once approved, set hearing for filing of the Inventory & Appraisal for 9/9/05. Set the hearing for the accounting and/or status review for 4/28/06. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 8:30      DEPT: S5  
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CASE #: SPRSS06259

CASE NAME: EST OF ROSE C ALDRETE

HEARING:  
PETITION FOR LETTERS OF ADMINISTRATION W/WA W/FULL AUTHORITY  
UNDER IAEA.

	COUNSEL:
SUSAN BRAVO	(PET)...PRO/PER
ROSE C ALDRETE	(DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Letters of Administration w/full full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Petitioner all heirs have waived bond. However, need to file Waivers of bond by all heirs (not attached). In lieu of waivers, bond should be fixed at \$10,000.
2. Petitioner alleges only asset is 1997 Ford Focus. Question if there is a need for formal probate administration?
3. Need to file proof of due publication.

RECOMMENDATION:

RFA subject to 1 & 3. Court may wish to inquire of petitioner whether need for formal administration. Once approved, set hearing for filing of the Inventory & Appraisal for 9/9/05. Set the hearing for the accounting and/or status review for 4/28/06. Accountings to be filed 30 days in advance. Note local rules regarding the filing of bank statements

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 9:00    DEPT: S5  
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CASE #: SPRSS05226

**SEE PAGE #9 ALSO**

CASE NAME: ESTATE OF DAVID A. MALKO

HEARING:

Motion re: TO DISMISS OR STAY 850 PETITION FILED BY RACHEL filed  
by THIRD PARTY SOLOMON DAVID MALKI

COUNSEL:

ZENY WARD	(PET)...	MARTIN E KELLER
DAVID A. MALKO	(DEC)...	
RACHEL DAVID MALKO	(PET)...	MONTELEONE & MCCRORY
JANET MALKO	(TP )...	
MARTHA MALKI	(MONTELEONE & MCCRORY	)...MONTELEON
SOLOMON DAVID MALKI	(HORSPOOL & PARKER	)...HORSPOOL

See prior notes (Matter 9)

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI **CONSERVATORSHIPS**

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DATE: 02/10/05      TIME: 10:00    DEPT: S5  
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CASE #: SC SS02723

CASE NAME: MTR OF JAYSON ROBERT PHILLIPS

HEARING:  
Petition for Appointment of Conservator

COUNSEL:  
CANDICE L PRESTON      (CP )...PRO/PER  
JAYSON ROBERT PHILLIPS      (CTP)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Conservatorship, person only, by mother  
**Continued from 10/8/04. Court referred matter to CI for investigation and report (as to mother)**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Temporary letters issued on 9/8/04
2. Requesting medical powers. Declaration filed. Ok
3. Need to file Citation
4. Court Investigator can **NOT** complete the voter affidavit.

RECOMMENDATION:

Need citation served on proposed conservatee.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 10:00      DEPT: S5  
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CASE #: SC SS02733

CASE NAME: MTR OF ERNESTINE SUE CHAVEZ

HEARING:  
Petition for Appointment of Conservator

COUNSEL:  
ARLENE CHAVEZ                      (CP )...PRO/PER  
ERNESTINE SUE CHAVEZ              (CTP)...HARTNELL HORSPOOL & FOX

GENERAL INFORMATION:

This case is set for hearing on Petition for Appointment of Limited Conservator, by mother Continued from 10-22-04. **Continued from 11/5/04. Court notes that Attorney Heisler is not present. Court appoints Karen Horspool of Hartnell, Horspool & Fox as counsel for conservatee. Court Investigator report has been received. She can complete voter registration form.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Temporary letters issued on 9-27-04.
2. Court appointed Attorney Horspool as Attorney Heisler was not present at prior hearing.
3. **Need IRC report.**
4. A limited conservator of the person or of the estate, or both, may be appointed for a developmentally disabled adult. PC 1801(d)
5. A limited conservatorship may be utilized only as necessary to promote and protect the well-being of the individual, shall be designed to encourage the development of maximum self-reliance and independence of the individual, and shall be ordered only to the extent necessitated by the individual's proven mental and adaptive limitations.
6. Standard of proof: clear and convincing evidence. PC1801(e)
7. At hearing on petition for appointment of limited conservator, court must do the following:
  - a. inquire into the nature and extent of the general intellectual function of the individual alleged to be developmentally disabled.

- b. evaluate the extent of the impairment of his or her adaptive behavior.
  - c. ascertain his or her capacity to care for self or property
  - d. inquire into the qualifications, abilities and capacities of the person seeking appointment as limited conservator
  - e. if a report by IRC has not been filed in court because the proposed limited conservatee withheld consent to assessment, the court shall determine the reason for withholding the consent. PC 1828.5
8. Petition should be dismissed if the Court finds that the proposed limited conservatee possesses the capacity to care for himself and manage property as a reasonably prudent person.
9. If granted, Court must define the duties and powers for the limited conservator so as to permit the developmentally disabled adult to care for self or manage financial resources commensurate with ability to do so.
10. Prior to appointment of the limited conservator, Court must inform the proposed conservatee:
- a. of the nature and purpose of the limited conservatorship proceeding,
  - b. that the appointment of a limited conservator for his or her person or estate or person and estate will result in the transfer of certain rights set forth in the petition and the effect of such transfer,
  - c. the identity of the person who has been nominated as his or her limited conservator,
  - d. that he or she has a right to oppose such proceeding, and
  - e. that he or she has a right to have the matter tried by jury. PC 1828.5(f).
11. After communicating such information to the person and prior to the appointment of a limited conservator, the court shall consult the person to determine his or her opinion concerning the appointment.
12. Order must specify the following:
- a. The properties of the limited conservatee to which the limited conservator is entitled to possession and management, giving a description of the properties that will be sufficient to identify them.
  - b. The debts, rentals, wages, or other claims due to the limited conservatee which the limited conservator is entitled to collect, or file suit with respect to, if necessary, and thereafter to possess and manage.
  - c. The contractual or other obligations which the limited conservator may incur on behalf of the limited conservatee.
  - d. The claims against the limited conservatee which the limited conservator may pay, compromise, or defend, if necessary.
  - e. Any other powers, limitations, or duties with respect to the care of the limited conservatee or the management of the property specified in this subdivision by the limited conservator which the court shall specifically and expressly grant.
- PC 1830(b)

RECOMMENDATION: Need to clear note 3. Need report from appointed counsel.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 10:00      DEPT: S5  
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CASE #: SC SS02770

CASE NAME: MTR OF LEON M VEAL

HEARING:  
Petition for Appointment of Conservator

COUNSEL:  
MEL D PREIMESBERGER      (CPE)...YOLANDA  
LEON M VEAL      (CEP)...HARTNELL LISTER & MOORE

This case is set for hearing on Petition for Appointment of Conservator, person & estate, by daughter, Mel Preimesberger  
Continued from 12/8/04. Court continued matter to receive CI report **(CI report in file)**.  
Court reiterated its order to petitioner that she is not to dispose of any property or assets.  
**Continued last from 12/15/04. Court denied petition for temporary conservatorship without prejudice. Court reiterated its order to petitioner that she is not to dispose of any property or assets.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need to file Citation.
2. Need to file Notice of Hearing & proof of service per PC 1822
3. Petitioner requests medical powers    Need capacity declaration (none filed)
4. Petitioner requests order per PC 2590.
5. Petitioner requests bond be waived since proposed conservator was granted durable power of attorney. However, bond should be fixed at \$212,000.
6. **Proposed conservator objects to the conservatorship and has retained Attorney Jack Osborne**

RECOMMENDATION:  
None.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 10:00      DEPT: S5  
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CASE #: SC SS02790

CASE NAME: MTR OF LEROY MYER BRAMAN

HEARING:  
Petition for Appointment of Conservator

COUNSEL:  
TODD A BRAMAN                      (CPE)...MARTIN E KELLER  
LEROY MYER BRAMAN              (CEP)...JAMES B CHURCH

GENERAL INFORMATION: Petition for Conservatorship, person and estate, by son.  
Temporary letters issued January 5, 2005.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Bond obtained in amount of \$124,000 for temporary conservator.
2. Court previously granted dementia powers.
3. Counsel Church has been appointed for conservatee. **Report of Counsel filed indicating that the conservatee did not wish to object to the appointment of petitioner as conservator.**
4. Is petitioner requesting medical powers? If so Section 1(g) of petition needs to be completed. Medical declaration filed supporting medical powers. However, need medical declaration re dementia powers.
5. Need to serve conservatee with citation.
6. Conservator lives out-of-state and it appears that conservatee will require a high level of care. How does conservator plan to resolve this issue?
7. **CI report filed with no adverse findings.**

RECOMMENDATION: Recommend for approval subject to notes 4-6. If petition granted, court will have to set future dates. Set hearing for the inventory and appraisal for September 9, 2005. Set hearing for the accounting for April 28, 2006. File documents 30 days prior to the hearing.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 10:00      DEPT: S5  
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CASE #: SC SS02791

CASE NAME: MTR OF JOSEPH ORELL

HEARING:  
Petition for Appointment of Conservator

	COUNSEL:
CONNIE K EPPS	(CPE)...JOHN D MICKUS
JOSEPH ORELL	(CEP)...MELVIN L FRIEDLAND

GENERAL INFORMATION: This matter is set for a hearing on Petition for Conservatorship, person and estate, by professional conservator.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court appointed counsel for conservatee as petition seeks to place conservatee in locked facility. **Report of counsel filed recommending the conservatorship and dementia powers.**
2. Need to file notice of hearing and proof of service on counsel for conservatee.
3. Petition seeks dementia and medical powers. Declarations have been filed and appear to support powers.
4. Request bond be set at \$57,000. Appears appropriate.
5. Conservatee receives 100% psychiatric disability from the VA. The VA has apparently determined that a conservator is necessary as a condition precedent to the continued receipt of benefits. The VA has asked the petitioner to serve as conservator.
6. File Confidential Supplemental Information form.
7. CI report filed with no adverse findings.

RECOMMENDATION: Recommend for approval subject to notes 1 and 6. If petition granted, court will have to set future dates. Set hearing for the inventory and appraisal for September 9, 2005. Set hearing for the accounting for April 28, 2006. File documents 30 days prior to the hearing.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 10:00      DEPT: S5  
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CASE #: SC SS02792

CASE NAME: MTR OF RAMONA GONZALES

HEARING:  
Petition for Appointment of Conservator

COUNSEL:  
FRED FRANK                      (CP )...DONNA STURGILL DIAZ  
RAMONA GONZALES              (CTP)...

GENERAL INFORMATION: This matter is set for a hearing on Petition for Conservatorship, person only, by a stranger. Temporary letters issued January 6, 2005.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition seeks dementia powers. Declaration filed in support. However, section 9 is incomplete. Please file supplemental.
2. Counsel for petitioner has been appointed.
3. Request no bond because conservatorship of person only. Ok.
4. Section 4c of petition is incomplete. Please file supplemental.
5. Is petitioner seeking medical powers? If so, sections 1g and 10 need to be completed. Please file supplemental.
6. Capacity declaration has been filed. Section 4 is incomplete. Please file supplemental.
7. File Confidential Supplemental Information form.
8. CI report filed with no adverse findings.

RECOMMENDATION: Recommend for approval subject to clearing notes. . If petition granted, court will have to set future dates. Set hearing for the inventory and appraisal for September 9, 2005. Set hearing for the accounting for April 28, 2006. File documents 30 days prior to the hearing.

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

**ACCOUNTINGS**

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DATE: 02/10/05      TIME: 10:01      DEPT: S5  
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CASE #: SC SS00613

CASE NAME: IN THE MATTER OF REVA MAE DOUGLAS

HEARING:

FINAL Account and Report of LINDA GERRARD, BRUCE L DOUGLAS and  
Petition for allowance of fees filed.

COUNSEL:

REVA MAE DOUGLAS	(CEP)...SHERRI L KASTILAHN
LINDA GERRARD	(CPE)...JOSEPHINE A. RICH
BRUCE L DOUGLAS	(CPE)...JOSEPHINE A. RICH

GENERAL INFORMATION:

This case is set for hearing on Final Account

Accounting period: 9/1/04 – 11/26/04

Conservatee died on 10/10/04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1. Petitioners waive compensation as conservators during this accounting period.
2. Attorney Rich requests fees of \$900. Billed at \$225/hour for 4 hours. Appears itemized. JTD
3. Attorney Lavonna Hayashi (former attorney for conservators) has filed a declaration that no attorneys fees are due to her for this accounting period. Question whether there are any fees due for the 5<sup>th</sup> accounting period 10/1/02 – 8/31/04? File verified supplement.
4. Petitioner requests that the remaining property on hand (\$31,371.38) be unblocked and distributed to conservatee's heirs at law pursuant to PC 13100. Need to file Affidavits under PC 13100 signed by all heirs.
5. Related matter 44A (below).

RECOMMENDATION:

Need verified supplement (note 3) and signed 13100 Affidavits. Once approved, set hearing for filing of receipts and final discharge for 2/24/04.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 10:01      DEPT: S5  
-----

CASE #: SC SS00613

CASE NAME: IN THE MATTER OF REVA MAE DOUGLAS

HEARING:

5th Account and Report of LINDA GERRARD, BRUCE L DOUGLAS and  
Petition for allowance of fees filed.

COUNSEL:

REVA MAE DOUGLAS	(CEP)...SHERRI L KASTILAHN
LINDA GERRARD	(CPE)...JOSEPHINE A. RICH
BRUCE L DOUGLAS	(CPE)...JOSEPHINE A. RICH

GENERAL INFORMATION:

This case is set for hearing on 5<sup>th</sup> Account of Conservators

On ex parte basis, court appointed Attorney Kastilahn for conservatee on 9-27-04. Not clear from file why the appointment was made. Continued from 11-5-04 & 1-21-05 at request of counsel for time to clear notes.

Accounting Period: 10-1-02 to 8-31-04 (23 months)  
Assets on Hand: \$42,793.93 (cash, stock funds, savings bonds)  
Income Sources: pension, social security  
Monthly Disbursement Items (average): 6 (128 total)  
Location of Conservatee: board & care, many placements at request of facilities  
Fee Request of Conservator: None requested.

**Conservatee died on 10-10-04**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Bond currently fixed at \$40,000. Requesting bond be set at \$43,000. That amount is too low, as it does not take into consideration the value of the estate now (\$43,000) plus the annual income of approximately \$23,000. Bond should be set at \$65,000. **Supplement filed suggests that bond is appropriate as value of estate is now \$32,000. JTD**

2. No fees being requested for conservator. Attorney states that any fees will be paid outside of the conservatorship estate. Any proposed fees are required to be approved by the Court per PC 2642. As there is the final report of conservators being heard this date, does Attorney Hayashi have any fees that are due and owing during this accounting period which are due? File verified supplement.
3. Related matter 44 (above)

RECOMMENDATION:

Need verified supplement re note 2. Once approved, no need to set further dates as conservatee is deceased and the final account is also being heard this date.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

-----  
DATE: 02/10/05      TIME: 10:01      DEPT: S5  
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CASE #: SC SS00711

CASE NAME: IN THE MATTER OF DONNICE DAWN ROSS

HEARING:

SEVENTH CURRENT Account and Report of MELODIE Z. SCOTT and  
Petition for allowance of fees filed.

COUNSEL:

DONNICE DAWN ROSS      (CTE)...JUDITH RUNYON  
MELODIE Z. SCOTT      (CE )...J. DAVID HORSPOOL

GENERAL INFORMATION:

This case is set for hearing on 7<sup>th</sup> Account

Accounting period: 9/1/03 – 8/31/04 (12 months)

Assets on Hand: \$130,776.12 (of which \$126,976.12 is cash, preneed and furniture)

Income sources: Interest income (cash receipts for this period are less than \$1,000)

Monthly disbursement items: 8 per month (average)

Location of conservatee: own residence (rented)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1. Petitioner requests compensation of \$5,072.00, less periodic payments already received, per court order, of \$2,400, leaving a balance due of \$2,672.00. Billed at an average of \$50.00/hour for a total of 101 hours. The following billing concerns are raised:
  - (a) Financial services are billed at 3.85 hour per month and reduced to 3.5 in 8/04. This seems excessive since only income is interest income and an average of 8 checks are written each month. Question whether it should be reduced to 2 hours per month. Thus, reducing compensation by \$825.75 to \$4,246.75 (2 hours x 11 months x \$45/hour). JTD
2. Attorney requests compensation of \$2,505.00. Billed at \$250/hour for attorney time (9.2 hours) and \$50/hour for bookkeeper time (4.1 hours). Appears itemized. JTD
3. Petitioner alleges bond currently fixed at \$150,000 is sufficient. Ok.

4. Community Bank checking account balance does not match 8/31/04 bank balance. Likewise, Redlands Centennial money market account does not match 8/30/04 bank balance. File verified supplement with reconciliations.
5. Need to file original statement for remaining Redlands Centennial Bank account.

RECOMMENDATION:

RFA subject to 1, 4 & 5 and court's determination of fees. Once approved, set next accounting for 2/16/07. Accounting to be filed 30 days in advance.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 10:01      DEPT: S5  
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CASE #: SC SS01209

CASE NAME: IN THE MATTER OF BILLYE LEE MOROFSKY

HEARING:

SIXTH CURRENT Account and Report of MELODIE Z SCOTT and Petition  
for allowance of fees filed.

COUNSEL:

BILLY LEE MOROFSKY	(CPE)...ROBERT S WORLEY
PAULA COTTER	(CPE)...HORSPOOL & PARKER
MELODIE Z SCOTT	(CPE)...

GENERAL INFORMATION:

This case is set for hearing on 6<sup>th</sup> Account

Accounting period: 10/1/03 – 9/30/04 (12 months)

Assets on Hand: \$71,961.08 (of which \$68,360.08 is cash and a preneed)

Income sources: Social Security and interest income

Monthly Disbursements: 6 (average)

Location of conservatee: board & care (Braswell's)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1. Petitioner requests compensation of \$6,360.40, less the periodic payments of \$3,000 already received, leaving a balance of \$3,360.40. Billed at an average hourly rate of \$49/hour for 134 hours. The following billing concerns are raised:
  - (a) On 3/1/04 there is an entry for "Real Property: Met with L. Riley re: swimming pool estimates" billed at .3/hour for a total of \$25.50. How does this entry relate to this conservatorship estate? File verified supplement
  - (b) Financial services are billed at 2.95 hour each month and then increase to 3.65 in 6/04 through 9/04. However, it does not appear that the financial matters changed significantly. File verified supplement to explain increase in compensation for financial services. Otherwise, court may consider reducing fee request by \$126.00.

2. Attorney requests fees of \$2,370.00. Billed at \$250/hour for attorney time (8.9 hours) and \$50/hour for bookkeeper time (2.9 hours). Appears itemized. JTD
3. Community Bank checking account balance does not match 9/30/04 bank statement. File verified supplement with reconciliation.
4. Petitioner alleges bond fixed at \$130,000 is sufficient. However, bond could be reduced to \$90,000 (Current assets on hand \$72,000 and estimated annual income \$16,500 = \$88,500)

**RECOMMENDATION:**

Need verified supplement re: 1 & 3 and court's determination of bond. Once approved, set next accounting review for 2/16/07. Accounting to be filed 30 days in advance.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

-----  
DATE: 02/10/05      TIME: 10:01      DEPT: S5  
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CASE #: SC SS01437

CASE NAME: MTR OF MILDRED HELEN BUHRLE

HEARING:

THIRD CURRENT Account and Report of ROBERT J. BUHRLE and  
Petition for allowance of fees filed.

COUNSEL:

ROBERT J. BUHRLE                      (CPE)...EDWARD B FISCHER  
MILDRED HELEN BUHRLE              (CEP)...MARGARET H NELSON

GENERAL INFORMATION:

This case is set for hearing on 3<sup>rd</sup> Account

Accounting period: 6/17/02 – 6/16/04 (25 months)

Assets on hand: \$102,209.42 (real property, life insurance, gravesite & cash of  
\$63,009.42)

Income sources: Retirement, annuity & interest income

Monthly disbursements: 5 per month

Location of conservatee: board & care

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1. Petitioner requests the court to reserve the issue of petitioner's compensation. JTD
2. Attorney requests fees of \$936.00. Billed at \$195/hour for 4.8 hours. Appears itemized. JTD
3. Petitioner alleges bond is currently fixed at \$100,000 and is sufficient. However, with current assets on hand and estimated annual income of \$49,500, Court should require an additional bond of \$50,000.

RECOMMENDATION:

RFA subject to court's determination of fees and issue of bond. Once approved, set next accounting review for 2/16/07. Accounting to be filed 30 days in advance.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 10:01      DEPT: S5  
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CASE #: SC SS01938

CASE NAME: MTR RE JENNIFER LISA REECE

HEARING:

Hearing Re: REV FINANCIAL ABUSE & TERMINATION OF CONSERVSHIP.

COUNSEL:

DEBORAH A HAYNES      (CPE)...JOHN M HUGHES  
SUSAN CRAMTON JOHNSON      (CPE)...JOHN M HUGHES  
JENNIFER LISA REECE      (CEP)...ROBERT S WORLEY

GENERAL INFORMATION:

This case is set for hearing on rev of financial abuse & termination of conservatorship  
This hearing was set on 12/30/04 after the 2<sup>nd</sup> account current was approved and granted.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1. As assets are held in a special needs trust held by Inland Counties Regional Center established by the Court on 3/7/03. Petitioner requests the termination of the conservatorship estate by reason of the special needs trust. (Article IX, Section D of the trust provides for the rendering of accountings from time to time.)
2. There is no further information re: financial abuse. Court may wish to inquire of petitioner re: circumstances/status.

RECOMMENDATION:

None.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 10:01      DEPT: S5  
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CASE #: SC SS02072

CASE NAME: MTTR OF SOPHIA MARY JANES

HEARING:

1ST Account and Report of LARRY D JANES and Petition for allowance of fees filed.

COUNSEL:

LARRY D JANES                      (CPE)...LAW OFFICES OF SCOT D STIRLING  
SOPHIA MARY JANES                (CEP)...MELVIN L FRIEDLAND

GENERAL INFORMATION:

This case is set for hearing on 1<sup>st</sup> Account

Accounting period: 8/16/02 - 9/7/03

Continued from 10/1/04 in order for counsel to amend 2560 petition and for (updated) accounting.

**Last continued from 12/10/04 for filing of supplement. Nothing new filed.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. PC 2620 requires that the original bank statements be filed. **Must file.**
2. LRC 1413 required copies of conservatee's last income tax returns be filed. **Must file.**
3. Accounting filed on 8-17-04 and only covers from 8-16-02 through 9-7-03. The accounting has been delayed so long, that conservator should be required to provide an updated accounting.
4. Court needs to order increased bond. Currently at \$37,000, but should be increased to \$60,000.
5. Conservator reserving right to request fees later.
6. Attorney is not requesting fees in this accounting.
7. Disbursements:
  - a. including payment for smog check, but no vehicle is listed on the I & A. Also a DMV renewal. Please explain.

- b. Water bills appear to be high if no one is living in property. Same thing for trash pickup, etc. If someone is living in the property, then is that person paying rent? Why is the conservatee paying for these services? File supplement.
  - c. Need more details regarding the withdrawals taken. Need to explain where the money went/purpose for benefit of conservatee. This amounts to almost \$9000. File supplement.
- 8. CI report from visit 5-28-03 indicates that there was a failure to pay the costs of the conservatee's facility. Was this ever cleared up?
  - 9. CI report also states that the assets include rental income from two businesses and a checking account at City Bank. These items are not included in the I & A. Please explain.

**RECOMMENDATION:**

Need supplement, cannot approve.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 10:01      DEPT: S5  
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CASE #: SC SS02183

CASE NAME: MTR OF DOROTHY H. LEE

HEARING:  
Petition for INSTRUCTIONS -

COUNSEL:

MELODIE Z. SCOTT	(CE )...HARTNELL HORSPOOL & FOX
DOROTHY H. LEE	(CTE)...
LAWRENCE DEAN	(SC )...HARTNELL HORSPOOL & FOX
ANTHONY PAPAVARO	(TP )...PRO/PER
EMILY PAPAVARO	(PRO/PER                      )...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on for Petition for Instructions (regarding the Sale of Conservatee's Residence)

At a hearing on 6/27/03, the petitioner/conservator agreed to remove his petition to sell conservatee's residence and rent the residence at the suggestion of the court-appointed counsel, Annette deBellefeuille (conservatee and conservatee's counsel previously objected to the sale). Petitioner rented the residence to tenants (father & grandfather) who were general contractors. Petitioner/Conservator further agreed to lower the rent in exchange for repairs and maintenance to the house. Petitioner alleges several repairs have been made to the residence. However, a neighbor to the rental contacted the City of Redlands and complained about the work being done and an inspector came to the residence and informed the tenant that a permit was required. Petitioner alleges the tenants have tried to obtain permits, but have been unable to do so. Petitioner further alleges that when kitchen repairs were being prepared, an asbestos-like substance was discovered in the kitchen walls, and petitioner requested that the tenant not perform any further repairs to the residence.

**Continued from 12/30/04 for filing of objections. Nothing new filed.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Petitioner alleges that the repairs necessary would cost over \$50,000, but if the tenants completed the repairs it would cost much less. Has petitioner gotten an estimate for the work by a contractor and/or the tenants as to costs? File verified supplement.
2. Petitioner alleges the tenants are general contractors. Shouldn't the contractors have known when a permit would be required for repairs? Is the conservator liable to the conservatee for allowing the tenants to make repairs without getting proper permits? Is the house inhabitable due to the asbestos-like substance? File verified supplement re: permits and occupancy.
3. Petitioner makes no allegations regarding the real property manager, Lance Riley. What maintenance and/or inspections, if any, were being provided by him? File verified supplement.
4. The residence at 1015 College Avenue, Redlands was appraised at \$150,000, but petitioner alleges that the value is worth double if the residence were sold. With the repairs completed? File verified supplement.
5. Petitioner alleges that the beneficiary of conservatee's estate (a charity) has been informed of the proposed sale. Has petitioner contacted conservatee and/or conservatee's counsel? What is their current position on the proposed sale? File verified supplement.
6. Petitioner believes it is in conservatee's best interest to sell the residence, or in the alternative, to request the court to instruct petitioner to hire the tenants to complete the repairs in lieu of lower rent or hire another general contractor. File verified supplement with the names of the tenants and/or contractor's business name as well as fair market value rent versus amount of rent to be lowered and more specific information as to why the sale and/or work is in the conservatee's best interests.
7. Petitioner alleges that if court approves the sale, the net proceeds would be placed in a blocked account.
8. Need report of court-appointed counsel.
9. No proposed Order submitted.

RECOMMENDATION:

File verified supplement re: 1-6 and need report of court-appointed counsel

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 10:01      DEPT: S5  
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CASE #: SC SS02214

CASE NAME: MTR OF BLAINE H. KNOX

HEARING:  
Petition for INSTRUCTIONS RE STORAGE OF PERSONAL PROPERTY  
(VEHICLES)

COUNSEL:

JIMMIE O. KNOX	(CPE)...HARTNELL HORSPPOOL & FOX
BLAINE H. KNOX	(CEP)...ANNETTE G DE BELLEFEUILLE
LAWRENCE A DEAN II	(CPE)...SHERRI L KASTILAHN
CL FARRELL	(TP )...
KARIN HORSPPOOL	(KARIN HORSPPOOL )...KARIN HOR

GENERAL INFORMATION:

This case is set for hearing on Petition for Instructions re Storage of Personal Property (Vehicles)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Petitioner alleges value of the personal property is approximately \$540,000, which includes antique and classic cars, engines, and other collectibles. Petitioner further alleges these items are stored in a detached garage to conservatee's home which the conservatee has allowed to fall in disrepair and which endangers the safety and security of the collectibles.
2. Petitioner alleges that petitioner has been unable to insure the personal property due to the dilapidated condition of the garage. The insurance on the personal property has lapsed.
3. Petitioner requests instructions from the Court to allow the garage to be re-built or the engines and cars to be distributed to the conservatee's sons. Petitioner further alleges that conservatee is opposed to the distribution but is also opposed to the re-building of the garage. Petitioner estimates the costs of re-building the garage at approximately \$25,000-\$35,000. How long does petitioner estimate to re-build the garage? What will be done with the collectibles during this period of

time? If the garage is re-built, will the insurance company insure the personal property items? File verified supplement.

4. Petitioner further requests appointment of new court appointed counsel for the conservatee. Petitioner alleges the conservatee has expressed negative comments regarding the prior court appointed counsel as well as counsel's failure to meet the conservatee at arranged times.

5. No proposed order is submitted.

**RECOMMENDATION:**

Need verified supplement. re note 3 and appoint new counsel for conservatee.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 10:01      DEPT: S5  
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CASE #: SC SS02315

CASE NAME: MATTER OF MADELINE KILBRIDE

HEARING:

Petition for REPORT & REQUEST FOR WAIVER OF ACCOUNT & FOR  
ALLOWANCE OF ATTY FEES

COUNSEL:

VINCENT J KILBRIDE      (CPE)...MARTIN E KELLER  
MADELINE KILBRIDE      (CEP)...NANCY J YOUNG

GENERAL INFORMATION:

This case is set for hearing on Report of Conservator, Request for Waiver and Petition for Allowance of Fees

Conservatorship letters (permanent) issued on 3-21-03

Conservatee died on 10-28-03

**Continued from 10/8/04 & 12/10/04 at request of counsel to clear calendar notes.  
Nothing new filed.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

1. Still need to file I & A. Mandatory. Court cannot proceed with petition until this document is filed. Original petition for conservatorship indicated that Madeline Kilbride had personal property worth \$1100. (A truck) There does not appear to be any provision of the Probate Code which allows for the waiver of the required I & A. If the petitioner believes that there is a legal basis for waiver, file Ps & As.
2. Conservator not requesting fees.
3. Attorney requesting fees of \$1175. This billing is based, in part, upon 3.8 hours by paralegal to prepare initial petitions and 1 hour for attorney to review, which appears to be itemized. JTD.

RECOMMENDATION:

Need I & A.

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR  
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 10:01      DEPT: S5  
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CASE #: SC SS02514

CASE NAME: MTR OF DARRELL CALENTINE

HEARING:

FIRST ACCOUNT Account and Report of INLAND COUNTIES REGIONAL  
CNTR INC. and Petition for allowance of fees filed.

COUNSEL:

INLAND COUNTIES REGIONAL CNTR (CE )...BRUNICK MCELHANEY & BECKETT  
DARRELL CALENTINE      (CTE)...

GENERAL INFORMATION:

This case is set for hearing on 1<sup>st</sup> Account  
Accounting period: 11/21/03 – 10/31/04 (11 months)  
Assets on Hand: \$13,382.77 (all cash)  
Income sources: SSI, SSA and interest income  
Monthly disbursements: 3 per month (average)  
Location of conservatee: Iams Home

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1. Petitioner waives compensation. Inland Counties Master Trust charges an annual fee of \$375 for funds held in the Master Trust which is calculated at \$93.75 per quarter. Inland Counties Master Trust has spent an average of 2.0 hours/month on the accounting of the funds for a total of 22 hours during the 11 month accounting period. Petitioner requests authority to continue taking quarterly trustees fees of \$93.75 per quarter or \$375 per year.
2. Attorney requests fees a reduced of \$500.00. Billed at \$110/hour for attorney time (3.0 hours) \$105/hour for paralegal time (1.5 hours) and \$75/hour for secretary time (5.5 hours). These calculations total \$900, but attorney requests only \$500. Appears itemized. JTD

RECOMMENDATION:

RFA subject to court's determination of fees. Once approved, set next accounting review for 2/16/07. Accounting to be filed 30 days in advance.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 10:01      DEPT: S5  
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CASE #: SC SS8373

CASE NAME: IN THE MTTR OF DANNY R SALSBERY

HEARING:

FIRST CURRENT Account and Report of JOHN D MICKUS and Petition  
for allowance of fees filed.

COUNSEL:

DANNY RAY SALSBERY      (CEP)...ANNETTE G DE BELLEFEUILLE  
MARGARET A SALSBERY      (SC )...HARTNELL HORSPOOL & FOX  
ANNE L CHAVIS      (PET)...C. BRIAN SMITH  
LAWRENCE A DEAN II      (TC )...HARTNELL HORSPOOL & FOX  
JOHN D MICKUS      (CPE)...JOHN D MICKUS  
BOND SERVICES OF CALIFORNIA IN(TP )...  
GARY WAYNE BURGER      (GARY WAYNE BURGER      )...GARY WAYN

GENERAL INFORMATION:

This case is set for hearing on 1<sup>st</sup> Account  
Accounting period: 11/1/03 – 11/5/04 (24 months)  
Assets on hand: \$21,217.22 (all cash)  
Income sources: VA benefits, SSA, interest income  
Monthly disbursements: 2 per month (average)  
Location of conservatee: board & care

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED;

1. Petitioner/Attorney requests compensation of \$3,695.50. Billed at \$200/hour for attorney services (12.4 hours) and \$65/hour for conservator services (18.7 hours). Appears itemized. JTD
2. Petitioner alleges bond is currently fixed at \$30,000 and the conservatee's proposed income for the next year is expected to be approximately \$41,000. Petitioner requests an additional bond to be fixed at \$32,000 for a total bond of \$62,000. Ok.

3. Petitioner alleges conservatee now resides in Los Angeles and petitioner also maintains his office in Los Angeles. Petitioner alleges that the former conservator, Anne Chavis, has not yet had an accounting approved and should have assets belonging to this conservatorship estate. Petitioner further alleges that most of Mrs. Chavis's cases were in Los Angeles and proceedings have been initiated to compel accountings and obtain surcharges for cases in which she was involved. Petitioner alleges that transferring this case to Los Angeles will enable petitioner to file a petition for surcharge in this case, which will be joined with other Chavis cases, and will provide significant savings for this estate as the time spent in litigation will be divided among all cases that are heard joined together. JTD

**RECOMMENDATION:**

None. If approved, court should set review date on the filing of additional bond (i.e., 30 days) and then court's discretion re: transferring proceedings.

San Bernardino Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR  
HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 10:01      DEPT: S5  
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CASE #: SLCSS1324

CASE NAME: IN THE MTTR OF MARY TURNEY

HEARING:

THIRD Account and Report of MARGARET YATES and Petition for allowance of fees filed.

COUNSEL:

MARY TURNEY                      (CEP)...HARTNELL HORSPOOL & FOX  
MARGARET YATES                (CPE)...STEPHEN L SNOW

GENERAL INFORMATION:

This case is set for hearing on 3<sup>rd</sup> Account

Accounting period: 11/5/02 – 11/4/04 (24 months)

Assets on Hand: \$227,063.72 (real & personal property and cash of \$94,692.30)

Income sources: Rental income, SSA and interest income

Monthly disbursements: 12 per month (average)

Location of conservatee: board & care

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Petitioner is not requesting compensation as petitioner alleges the primary concern is that there are sufficient funds to pay for conservatee's care. Petitioner requests the court reserve jurisdiction of compensation. JTD
2. Attorney requests fees of \$3,648.00. Billed at \$190.00 per hour for 19.2 hours. Appears itemized. JTD
3. Attorney requests reimbursement of certified copies of \$7.10. Itemized. JTD
4. Petitioner alleges that total bonds of \$62,000 have been posted, but the amounts are insufficient. Petitioner requests the court to order an additional bond of \$24,500. Petitioner proposes to replay all existing bonds with one bond of \$86,500. Ok.
5. No proposed order submitted.

RECOMMENDATION:

RFA subject to court's determination of fees and reimbursement of costs. Once approved, set next accounting review for 2/16/07. Accounting to be filed 30 days in advance.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI **MISC.**

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DATE: 02/10/05      TIME: 11:00      DEPT: S5  
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CASE #: SC SS01811

CASE NAME: MTR OF JOSEPH A. FRUSTER

HEARING:  
Accounting Review

COUNSEL:

JOSEPH A. FRUSTER                      (CEP)...ELISABETH KEMPE-OLINGER  
THOMAS F PIACENTINI                      (CP )...ANNETTE G DE BELLEFEUILLE  
ELISABETH KEMPE-OLINGER                      (CE )...ELISABETH KEMPE-OLINGER  
GLORIA PIACENTINI                      (CPE)...FULLERTON LEMANN SCHAEFFER & D  
CRIAG WILSON                      (TP )...FULLERTON LEMANN SCHAEFFER & D

GENERAL INFORMATION: This matter is set for a hearing on accounting review. First account done from new conservators, Thomas and Gloria Piacentini. Continued from October 1 and December 10, 2004 at request of counsel. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Accounting not filed. Notice has been given.

RECOMMENDATION: Failure to file the account within the time extended by the Court shall constitute contempt of the authority of the Court as described in Section 1209 of the Code of Civil Procedure. (P.r. C. § 2620.2(b).) Set matter for OSC re: suspension/sanctions. Personally serve conservators.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 11:00    DEPT: S5  
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CASE #: SC SS01847

CASE NAME: MTR RE LOUISE OLAGUE

HEARING:  
OSC re: RE SUSPENSION/SANCTIONS

COUNSEL:

ELIZABETH ACKLEY	(CPE)...	HERB CHAVERS
LOUISE OLAGUE	(CEP)...	JUDITH LYNN PILSON
EMANUEL OLAGUE	(OBJ)...	PRO/PER
TIMOTHY OLAGUE	(PRO/PER	)...PRO/PER
JOE OLAGUE	(GILBERT M GUTIERREZ	)...GILBERT M
LYDIA ANN DASHKOVITZ	(GILBERT M GUTIERREZ	)...GILBERT M

GENERAL INFORMATION:

This case is set for hearing on OSC re: Suspension/Sanctions for failure to file Accounting Review. 2<sup>nd</sup> Account due from 10-13-02. Continued from December 10, 2004. Minute Order indicates that failure to file account will constitute contempt. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Not filed.

RECOMMENDATION: If accounting not filed, find petitioner in contempt. Set matter for OSC re: removal.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 11:00      DEPT: S5  
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CASE #: SC SS02327

CASE NAME: MTR OF BOBBY HERNANDEZ

HEARING:  
OSC re: SUSPENSION/SANCTIONS

COUNSEL:

MARY HERNANDEZ	(CPE)...PRO/PER
BOBBY HERNANDEZ	(CEP)...WALTER MOORE

GENERAL INFORMATION:

This case is set for hearing on Accounting Review

Continued from 7-23-04.

Continued from 10-1-04. Mary Hernandez was directed to cooperate with counsel re: preparing I & A. Continued from December 10, 2004. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. I & A **overdue since 9-30-03.**
2. No accounting filed. Matter continued to this date to allow time to file the I & A. Still not filed.

RECOMMENDATION:

Suspend powers and set OSC re: Sanctions, Surcharge and Removal. Issue citation and have it personally served.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 11:00      DEPT: S5  
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CASE #: SC SS02367

CASE NAME: MTR OF YVONNE PURINGTON

HEARING:  
OSC re: Sanctions

COUNSEL:  
MARCIA TAACK                      (CPE)...SCOTT GROSSMAN  
YVONNE PURINGTON              (CEP)...  
COUNTRY VILLA REDLANDS      (TP )...SANDERS, COLLINS & REHASTE LLP

GENERAL INFORMATION:

This case is set for hearing on OSC re: Sanctions for failure to appear at Accounting Review on 7-30-04

Continued from 10-1-04 and December 10, 2004. According to December Minute Order, accounting was to cover through the end of 2004. Counsel to be present if accounting not filed. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Accounting still not filed.
2. Court should note that conservatee recently moved to Country Villa-Redlands Health Care. Notice sent by conservator.

RECOMMENDATION:

Issue sanctions against Attorney Grossman for the failure to appear. Suspend the powers of Marcia Taack and set OSC re: Removal and Sanctions. Issue citation and have it personally served.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 11:00      DEPT: S5  
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CASE #: SC SS02497

CASE NAME: MTR OF PATRICIA K. DARNALL

HEARING:  
Accounting Review

COUNSEL:  
DONNA DARNALL                      (CPE)...HARTNELL HORSPOOL & FOX  
PATRICIA K. DARNALL              (CEP)...

GENERAL INFORMATION:

This case is set for hearing on Accounting Review

Letters for person & estate issued 10-31-03. I & A filed on 2-19-04 indicate that all assets are held in trust. Court subsequently granted petition for examination of Alofa Taufi regarding assets. Continued from January 7, 2005 at request of counsel. Nothing new filed.

Is there a need for conservatorship of estate?

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. No accounting filed.

RECOMMENDATION:

Court must send written notice to conservator and attorney of record directing that the account be filed. Set hearing within 60 days. Any failure to file the account will then constitute contempt and punishable as set forth in PC 2620.2.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 11:00      DEPT: S5  
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CASE #: SC SS02618

**VACATE – INVENTORY FILED**

CASE NAME: MTR OF RAYMOND WILLIAMS

HEARING:  
Hearing Re: Inventory & Appraisal.

COUNSEL:  
LAWRENCE DEAN                      (CPE)...KARIN HORSPOOL  
RAYMOND WILLIAMS                  (CEP)...JUDITH RUNYON

GENERAL INFORMATION:

This case is set for hearing on Filing of I & A. Continued from January 7, 2005.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Filed, but does not include a copy of the bank statements as required under local rule. **Bank statements now filed.**

RECOMMENDATION:

Matter may go off calendar.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 11:00    DEPT: S5  
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CASE #: SC SS02624

CASE NAME: MTTR OF GENEVIEVE CLARA GREEN

HEARING:  
Accounting Review

COUNSEL:  
DARYL GREEN                      (CPE)...FULLERTON LEMANN SCHAEFFER & D  
GENEVIEVE CLARA GREEN        (CEP)...  
GENEVIEVE CLARA GREEN        (TP )...GEORGE F DICKERMAN

GENERAL INFORMATION:

This case is set for hearing on Accounting Review. Continued from December 30, 2004, for accounting review.

(Accounting is due for period 1/1/00 – 9/30/04)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. The conservator of the person & estate was appointed on 9/30/04
2. Inventory & Appraisal filed 10/29/04.
3. Per Stipulation of Parties entered into 9/30/04, conservator is to account for the period 1/1/00 – 9/30/04 including “a recitation of all receipts and disbursements on behalf of the conservatee, whether or not received as trustee.” The accounting is not yet filed

RECOMMENDATION:

None.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 11:00      DEPT: S5  
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CASE #: SC SS8657

CASE NAME: IN THE MATTER OF WILLIAM SHAWN LIVINGSTON

HEARING:  
Accounting Review

COUNSEL:  
WILLIAM SHAWN LIVINGSTON      (CEP)...ROBERT H MOORE  
LAVERN CONKLE      (CPE)...HARTNELL HORSPOOL & FOX

GENERAL INFORMATION:

This case is set for hearing on Accounting Review (7<sup>th</sup>). Continued from January 7, 2005.  
Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

Not filed.

RECOMMENDATION:

Court must send written notice to conservator and attorney of record directing that the account be filed. Set hearing within 60 days. Any failure to file the account will then constitute contempt and punishable as set forth in PC 2620.2.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

-----  
DATE: 02/10/05      TIME: 11:00    DEPT: S5  
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CASE #: SPRSS02162

CASE NAME: IN THE ESTATE OF WILBUR F CURTIS

HEARING:  
Accounting Review

COUNSEL:  
WILBUR F CURTIS                      (DEC)...  
SANDRA HOLTRY                      (TP )...ANNIE PARANZAN  
ST. OF CALIFORNIA FRANCHISE TA(PRO/PER                      )...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on Accounting Review  
Continued from 6-25-04 per telecom with clerk, in order to file accounting  
Continued from 8-13-04. No appearance, but PA made request by "telecom." Continued  
from December 10, 2004, at request of counsel. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE  
NOTED:

Accounting still not filed.

RECOMMENDATION:

If no accounting or appearance, court may wish to suspend the powers. Failure to file an  
account as ordered in a probate constitutes contempt. PC 11050.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 11:00    DEPT: S5  
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CASE #: SPRSS02417

CASE NAME: ESTATE OF WILLIAM CLEMENT HANSON

HEARING:

Hearing re: FINAL DISCHARGE

COUNSEL:

WILLIAM C HANSON	(DEC)...
CINDY JARBOE	(PET)...JUDITH LYNN PILSON
WILLIAM C GEORGE	(TP )...

GENERAL INFORMATION:

This case is set for hearing on Final Discharge

Continued from 10-01-04; Attorney Pilson stated that the order had been sent to the client for signature. Continued from December 10, 2004. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Need receipt of depositing money with County Treasurer for William Hanson.
2. Need final discharge order.

RECOMMENDATION:

Find out status.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 11:00    DEPT: S5  
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CASE #: SPRSS03564

CASE NAME: IN THE ESTATE OF ANNA SCHRODEK

HEARING:  
Hearing Re: STATUS.

COUNSEL:  
BERNARD KLUZ                      (PET)...MIRAU EDWARDS CANNON HARTER &  
ANNA SCHRODEK                      (DEC)...

GENERAL INFORMATION: This case is set for hearing on status of final distribution.  
Continued from December 17, 2004. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Nothing new filed.

RECOMMENDATION: Court may wish to inquire as to the status of the final distribution

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 11:00      DEPT: S5  
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CASE #: SPRSS03664

CASE NAME: EST OF GRACE MCDONALD

HEARING:  
Accounting Review

	COUNSEL:
KENNETH JINGLES	(PET)...MARTIN E KELLER
GRACE MCDONALD	(DEC)...
VICTOR L MAYO	(PET)...PRO/PER

GENERAL INFORMATION: This case is set for hearing on accounting review. Continued several times. Continued from October 22, and December 17, 2004 to await final tax return.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Nothing new filed.

RECOMMENDATION: What is status of final tax return?

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 11:00    DEPT: S5  
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CASE #: SPRSS04960

CASE NAME: ESTATE OF JOSE GUADALUPE PENA

HEARING:  
Hearing re: FINAL DISCHARGE

COUNSEL:  
NOE PENA                      (PET)...RICHARD L BARRETT  
BLANCA RAMIREZ              (PET)...RICHARD L BARRETT  
JOSE GUADALUPE PENA      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Final Discharge  
Continued from 10-1-04. Attorney Barrett present for Noe Pena (administrator). Ernestine Flores also present. (Ernestine has not provided a receipt yet)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. **No order filed regarding the approval of the Final Accounting. Must file one.**
2. Still need receipt from Ernestina Flores and personal representative for Estate of Consuelo Pena. **Ms. Flores now has signed receipt.**

RECOMMENDATION: Need Order approving Final Account (note 1).

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 11:00      DEPT: S5  
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CASE #: SPRSS05010

**VACATED – ACCT FILED**

CASE NAME: ESTATE OF SHERIAN SUE MOLLER

HEARING:  
Accounting Review

COUNSEL:

SHERI L MURRAY	(PET)...	FULLERTON LEMANN SCHAEFFER & D
SHERIAN SUE MOLLER	(DEC)...	
SHARON DOVALE	(TP )...	MARTIN E KELLER
LISA M UNDERWOOD	(PRO/PER	)...PRO/PER
HEIR BUYOUT COMPANY	(PRO/PER	)...PRO/PER
MARTIN E KELLER	(	)...
INHERITANCE FUNDING COMPANY, L	(PRO/PER	)...PRO/PER

GENERAL INFORMATION: This case is set for hearing on accounting review. Matter previously continued from January 9, March 12, May 28 and September 10, 2004. Continued at request of counsel from October 22, and December 17, 2004. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting filed, however at last hearing counsel reported that accounting was 95% complete.

RECOMMENDATION: Suspend administrator due to failure to file accounting or Pr.C. § 12201 status report for one year since the first continued accounting review hearing date. Set OSC re: Sanctions and Removal. Issue citation and have it personally served.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 11:00      DEPT: S5  
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CASE #: SPRSS05011

**VACATED – ACCT FILED**

CASE NAME: ESTATE OF JAMES L. MOLLER

HEARING:  
Accounting Review

COUNSEL:

SHERI L MURRAY	(PET)...	FULLERTON LEMANN SCHAEFFER & D
JAMES L MOLLER	(DEC)...	
SHARON DOVALE	(TP )...	PRO/PER
LISA M UNDERWOOD	(PRO/PER	)...PRO/PER
MARTIN E KELLER	( )...	
INHERITANCE FUNDING COMPANY, L	(PRO/PER	)...PRO/PER

GENERAL INFORMATION: This case is set for hearing on accounting review. Continued from May 28, September 10, October 22, and December 17, 2004. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting filed. Counsel indicates accounting is 95% complete.

RECOMMENDATION: Suspend administrator for failure to file final inventory and appraisal and accounting or Pr.C. § 12201 Status report. Set OSC re: Sanctions and Removal. Issue citation and have it personally served.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 11:00      DEPT: S5  
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CASE #: SPRSS05316

CASE NAME: ESTATE OF LORRAINE H URBAUER

HEARING:  
OSC re: SANCTIONS AND REMOVAL

COUNSEL:  
CHARLES H URBAUER      (PET)...JOHN C MADDUX  
LORRAINE H URBAUER      (DEC)...

GENERAL INFORMATION: Letters were issued on May 22, 2003. An OSC re: Sanctions was originally set by the court on July 16, 2004, for failing to file an accounting and failing to appear. Parties again failed to appear on September 17, 2004. Administrator was personally served and present on November 12, 2004, without counsel. Continued again on December 17, 2004. This case is set for hearing on accounting review. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Accounting has not been filed.

RECOMMENDATION: Suspend powers. Set OSC re: Sanctions and Removal. Have counsel and administrator personally served with citation

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 11:00    DEPT: S5  
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CASE #: SPRSS05457

CASE NAME: ESTATE OF JAMES MICHAEL RODDY

HEARING:  
Accounting Review

COUNSEL:  
BARBARA M. RANDOLPH      (PET)...BRUNICK BATTERSBY MCELHANEY &  
JAMES MICHAEL RODDY      (DEC)...

GENERAL INFORMATION: This case is set for hearing on accounting review. Continued from October 29, and December 17, 2004. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The matter was continued to allow petitioner more time to file accounting. Petitioner indicates that she is waiting for signatures and will then file accounting. Nothing new filed.

RECOMMENDATION: Failure to file the account within the time extended by the Court shall constitute contempt of the authority of the Court as described in Section 1209 of the Code of Civil Procedure. (Pr. Code 11050)

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 11:00    DEPT: S5  
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CASE #: SPRSS05758

CASE NAME: EST OF DOROTHY M LAPINSKI

HEARING:  
Hearing re: FILING OF I&A

COUNSEL:

PATRICK F GRABOWSKI      (PET)...HARTNELL HORSPOOL & FOX  
DOROTHY M LAPINSKI      (DEC)...  
THE ROMAN CATHOLIC BISHOP    (TP )...FULLERTON LEMANN SCHAEFFER &

D

GENERAL INFORMATION:

This case is set for hearing on I & A  
Continued from 10-8-04 and December 10, 2004 at request of Attorney Dominick.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Partial I & A filed on 6-7-04. Counsel states waiting for completion of appraisal.

RECOMMENDATION:

Find out status.

San Bernardino Superior Court  
CIVCAL4  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RETIRED JUDGE FRANK GAFKOWSKI

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DATE: 02/10/05      TIME: 11:00    DEPT: S5  
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CASE #: SPRSS54568

CASE NAME: IN THE ESTATE OF OPAL F DALTON

HEARING:  
Hearing re Final Discharge

COUNSEL:  
OPAL F DALTON                      (DEC)...  
JERRY LEE DALTON                (PET)...JOHN M RAGER

GENERAL INFORMATION: This case is set for hearing on Final Discharge. Continued from December 10, 2004—no appearance.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. No receipts or proposed discharge order filed. Clerk has given notice.

RECOMMENDATION:  
Find out status.